

Panaji, 7th April, 1983 (Chaiti, 1905)

SERIES I No. 1

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel Administrative Reforms

#### Notification

1/13/83

In exercise of the power conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11) Goa dated 25-7-1963, the Lieutenant Governor Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial, Non-Gazetted post of Investigator in the Department of Planning, Statistics and Evaluation under the Government of Goa, Daman and Diu.

1. **Short title.** — These may be called Government of Goa, Daman and Diu, Department of Planning, Statistics and Evaluation Group 'C' Non-Ministerial, Non-Gazetted post Investigator Recruitment Rules, 1983.

2. **Application.** — These shall apply to the posts specified in column of the Schedule to these rules.

3. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the rules existing for the post.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 23rd March, 1983.

# SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Investigator	102 (or as sanctioned from time to time)	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 330-10-380-EB-12-500-EB-15-560	Selection	Not exceeding 30 years (Relaxable upto 5 years for Govt. servants)	<p><i>Essential:</i></p> <ol style="list-style-type: none"> <li>Degree in Statistics/Mathematics /Economics/Commerce.</li> </ol> <p><i>Desirable:</i></p> <ol style="list-style-type: none"> <li>A second class degree in Statistics /Economics /Mathematics /Commerce.</li> <li>Knowledge of Konkani and/or Marathi.</li> </ol>	N. A.	Two years	<ol style="list-style-type: none"> <li>33 1/3% by promotion failing which by direct recruitment.</li> <li>66 2/3% by direct recruitment.</li> </ol>	<p><i>Promotion:</i></p> <p>Compiler, Checker, Draughtsman and L.D.C. with 5 years regular service in the respective grade. L.D.Cs should pass short term course in statistical work arranged by the Deptt. of Planning, and Statistics, for junior personnel which is of 12 weeks duration. The satisfactory completion of the course shall be certified by the Head of Department.</p>	Group 'C' D.P.C.	N. A.

**Corrigendum**

1/31/74-PER Vol. iv)

In the Notification No. 31/74-PER (Vol. iv) (part) dated 31-1-1983 and the schedule appended thereto, published in the Official Gazette No. 47, Series I, dated 17-2-83 re: with Corrigendum No. 1/31/74-PER dated 5-3-83 published in the Official Gazette No. 50, Series I, dated 10-3-1983, relating to recruitment rule for the post of Librarian in the Goa Medical College, for the word "Librarian" under Col. No. 1 substitute "Assistant Librarian".

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).  
Panaji, 31st March, 1983.

**Home Department (General)****Notification**

5/12/82-H (G)

The below mentioned notifications and the Amendment Act received from the Government of India, Ministry of Shipping and Transport (Transport Wing), New Delhi is hereby published for general information of the public.

S. M. Naik, Under Secretary (Home).  
Panaji, 10th March, 1983.

**GOVERNMENT OF INDIA****MINISTRY OF SHIPPING AND TRANSPORT**  
(Transport Wing)*New Delhi, the 14th February, 1983.***Notification**

S.O. 110.(E) ... In exercise of the powers conferred by sub-section 1 of Section 36 of the Motor Vehicles Act, 1939 as amended by Clause (a) of Section 7 of the Motor Vehicle (Amendment) Act, 1982, the Central Government hereby specifies in relation to the make and model of the Transport Vehicles, the maximum safe laden weight and dimensions of the vehicle mentioned in the schedule appended hereto:

**SCHEDULE**

Tractor — I: Chassis No.: 638 0008  
Engine No.: 436-3959-041-9121  
Height: 362 m.  
Width: 256 m.

Manufactured by: MAN., W. Germany

Operated by: Urmil & Co. Pvt. Ltd. Bombay

II: Chassis No.: 638 0011  
Engine No.: 436-4029-038-6121  
Height: 362 m.  
Width: 256 m.

Manufactured by: I.A.N., W. Germany

Operated by: Urmil & Co. Pvt. Ltd.

Trailer (i) Chassis No.: 10784

(ii) : 10784 A

(iii) : 10785  
(iv) : 10785 A  
(v) : 10786  
(vi) : 10786 A

Manufactured by: Gold Hofer Fahrzeugwerk,  
W. Germany

Operated by: Urmil & Co. Pvt. Ltd.

Length: 6.00 m.

Width: 3.00 m.

Height 1.00 m. — MAX — 1.475 m.

— MIN — 0.875 m.

Pay Load per axle — 25.00 Tonnes

Gross Vehicle weight per axle — 30.00 Tonnes

The above relaxation is subject to the conditions that the operation of the Tractor Trailers will be effected sparingly and provided the State Public Works Department is satisfied about safety of structures, roads, bridges, culverts and with due regard to safety to all road users for which both the State PWD and the police authorities will be duly informed by the operator.

Sd/-

(G. J. MISRA)

Joint Secretary to the Government of India.

**GOVERNMENT OF INDIA****MINISTRY OF SHIPPING & TRANSPORT**  
(Transport Wing)*New Delhi, the 2nd February, 1983.***Notification**

S.O. No. ... 75(E) ... In exercise of the powers conferred by sub-section (1) of Section 109C of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby makes the following amendment in Clause 3(b) of the Solatium Fund Scheme as notified vide I. O. No. 800(E) dated 12.11.1982:—

"In Clause 3(b) for the words "the Controller of Insurance" read "Additional Controller of Insurance."

Sd/-

(G. J. MISRA)

Joint Secretary to the Government of India.

F. No. TGM(28)/82.

**GOVERNMENT OF INDIA****MINISTRY OF SHIPPING AND TRANSPORT**  
(Transport Wing)*New Delhi, the 21st January, 1983.***Notification**

S.O. ... In exercise of the powers conferred by sub-section 1 of Section 36 of the Motor Vehicles Act, 1939 as amended by Clause (a) of Section 7 of the Motor Vehicles (Amendment) Act, 1982, the Central Government hereby specifies in relation to the make and model of the Transport Vehicle mentioned in Col. 1 of the Schedule appended hereto, the maximum

safe laden weight and dimensions of the vehicle mentioned against it in columns 2 & 3 of the schedule:

**SCHEDULE**

Details of the Transport Vehicle	Maximum safe laden weight	Dimensions
30 Tonnes semi low bed semi trailer, sprung with tandem suspension & 2 nos. of axles, Chassis No. C-30T-218AS of M/S Kataria Transport Co., Ahmedabad manufactured by Mahindra Owen Limited, Poonae.	30,000 KGs.	Length 13440 mm. Width 3048 mm.

The above relaxation is subject to the conditions that the operation of the Trailer will be effected only after the road and route is fixed in advance and the PW Department is satisfied about safety of structures etc; and that the trailer will be used for movement of material for Government works only and that it would be plied on roads, sparingly as may be determined by Public Works Department and with due regard to safety to all road users.

Sd/-

(B. R. CHAVAN)

Deputy Secretary to the Govt. of India.

No. TW/TGO(40)/81.

GOVERNMENT OF INDIA  
(BHARAT SARKAR)

MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)

(Transport Wing)  
(Parivahan Paksha)

New Delhi, the 17th January, 1983.

**Notification**

S.O. 17(F). — In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), the Central Government hereby appoints the date of publication of this Notification in the Official Gazette as the date on which the provisions of sections 12(b) and 24(a) shall come into force.

Sd/-

(G. J. MISRA)

Joint Secretary to the Government of India.

(No. TGM(70)/78)

GOVERNMENT OF INDIA  
(BHARAT SARKAR)

MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)

(Transport Wing)  
(Parivahan Paksha)

New Delhi, the 17th January, 1983.

**Notification**

G.S.R. ... 16(E). In exercise of the powers conferred by the third proviso to sub-section (1) of Section

63 of the Motor Vehicles Act, 1939, the Central Government hereby specify the following form of Certificate. The certificate shall be issued by an officer not below the rank of Unit Commander in the Army.

**CERTIFICATE FOR THE PURPOSES OF THIRD PROVISIO SECTION 63(i)**

CERTIFICATE  
issued Under  
Sectn 63(i) of the  
Motor Vehicles Act, 1939  
issued by .....  
valid upto .....

NOTE:— This should be displayed prominently  
on the Wind Screen of the Vehicle.

**DIMENSIONS**

Border ..... 1/2"  
Overall ..... 6"  
Diameter

**COLOUR**

Centre — Pink  
Border — Green  
Sentences — Red.

Sd/-

(G. J. MISRA)

Joint Secretary to the Govt. of India.

(TGM(70)/78)

GOVERNMENT OF INDIA  
(BHARAT SARKAR)

MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)

(Transport Wing)  
(Parivahan Paksha)

New Delhi, the 31st December, 1982.

**Notification**

S.O. ... In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), the Central Government hereby appoints the 10th day of December, 1982, as the date on which the provisions of Sections 8 and 9 of the said Act, shall come into force.

Sd/-

(G. J. MISRA)

Joint Secretary to the Govt. of India.

(No. TGM(19)/82)

GOVERNMENT OF INDIA  
(BHARAT SARKAR)

MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)  
(Transport Wing)  
(Parivahan Pasha)

New Delhi, the 11th December, 1982.

Notification

S.O. ... In exercise of the powers conferred by clause (1) of sub-section (3) of Section 42 of the Motor Vehicles Act, 1939 the Central Govt. hereby exempts the vehicle bearing registration No. WGA-5679 belonging to M/s. Hindustan Motors Limited from permit control as required under section 42(1) of the M.V. Act, 1939 to enable the said company to carry out extensive trials of their aforesaid vehicle under different operating conditions in various parts of the country, without ply it for hire or reward.

The particulars of the vehicle number WGA-5679 are as under:

Hindustan J6  
Type of Body: Punjab body with sides  
Year of Manufacture: 81  
No. of Cylinders: 6  
Power Unit: 330 cu. Diesel Engine  
Chassis No.: J6 LZ5-1-235104  
Engine No.: JC-17586  
HP: 36  
Wheel Base: 179  
Unladen Weight: 530 kg.  
Registered Laden Wt.: 17800 Kg.  
Front Tyres: 2(9.00) — 12 PR  
Rear Tyres: 4(9.00) — 12 PR  
Steering: Semi irreversible worm & sector.

Sd/-

(B. R. CHAVAN)  
Deputy Secretary to the Govt. of India.  
(TW/TMV(7)/82)

GOVERNMENT OF INDIA  
MINISTRY OF SHIPPING AND TRANSPORT  
(Transport Wing)

New Delhi, the November, 1982.

Notice

No. S.O. 800 (E) In exercise of the powers conferred by sub-section (3) of Section 109C of the Motor Vehicles Act, 194 of 1939, the Central Government hereby make following scheme for the purpose of the administration of the Solatium Fund and payment of compensation therefrom:—

1. *Short title and commencement.*— (1) This scheme may be called Solatium Fund Scheme, 1982.

(2) It shall be deemed to have come into force from the first day of November, 1982.

2. *Definitions.*— In these rules, unless the context otherwise requires, —

(a) "Act" means the Motor Vehicles Act, 1939 (4 of 1939);

(b) "Authority" means the Solatium Fund Authority constituted under clause 3;

(c) "Claims Enquiry Officer" means Sub Divisional Officer, Tehsildar, or any other Officer in charge of a revenue sub-division or a Taluka in each revenue district of a State;

(d) "Claims Settlement Commissioner" means the District Magistrate, the Deputy Commissioner, the Collector or any other officer in charge of a revenue district in a State;

(e) "Clause" means clause of this scheme.

(f) "Form" means form annexed to this Scheme;

(g) "Transport Commissioner" means an officer appointed as the Transport Commissioner and shall include the Director General of Transport, Director of Transport or the Controller of Transport, appointed by the State Government;

(h) Words and expressions used but not defined in this Scheme but defined in the Act or the rules made thereunder shall have the meanings respectively assigned to them in that Act and rules.

3. *Authority of the Solatium Fund.*— There shall be an Authority to be called the Solatium Fund Authority consisting of the following members, namely:—

(a) The Joint Secretary (Transport) Ministry of Shipping & Transport — Chairman.

(b) The Controller of Insurance, Ministry of Finance (Insurance Wing) — Member.

(c) One nominee of the General Insurance Corporation of India, not below the rank of the Assistant General Manager, to be nominated by the Central Government — Member.

(d) Two Chairmen one each of insurance companies for the time being carrying on general insurance business in India, to be nominated by the Central Government — Members.

(e) Two Transport Commissioners one each of two States, to be nominated by the Central Government — Members.

(f) The Director (Finance Division), Ministry of Shipping & Transport — Member.

(g) The Commissioner, Solatium Fund — Member Secretary.

(2) The Headquarters of the Authority shall be at New Delhi.

(3) The person appointed as a member by virtue of an office shall cease to be a member when he ceases to hold that office.

(4) The term of office of the members nominated under sub-clause (1) (d) and (e), shall be for a period of one year.

(5) The Commissioner, Solatium Fund, shall be appointed by the Central Government, and shall function as the member secretary of the Authority.

4. *Remuneration of members and officers.* — (1) Members shall not be paid any remuneration except travelling and daily allowance at the rates to be determined by the Authority from time to time.

(2) Official members will draw travelling and daily allowance at the rates admissible to them from the source from which they draw their salaries.

5. *Powers and functions of the Authority.* — The Authority shall perform the following functions: —

(a) assessment from time to time of the requirements of the Solatium Fund and timely submission of requests for funds to the Central Government;

(b) allotment, from time to time, of amounts to be kept at the disposal of the Transport Commissioners;

(c) preparation of annual budget;

(d) investment of monies of the Solatium Fund, not immediately required, in any one or more of the modes of the investment for the time being authorised by law for the investment of the trust monies as the Authority may think proper;

(e) all other matters relating to the administration of the Solatium Fund and payment of compensation therefrom.

6. *Delegation of Powers.* — (1) The Authority may delegate all or any of its powers and functions to the Chairman for prompt and expeditious disposal of business.

(2) The Authority may frame, and vary, from time to time as it think fit, bye-laws for the conduct of its business.

7. *Meetings of the Authority.* — The Authority shall meet at such times and at such places as the Chairman may, from time to time, appoint in this behalf;

Provided that the Authority shall meet at least once in six months.

8. *Quorum.* — Not less than three members shall form a quorum;

Provided that if at any meeting there is no quorum, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notice to other members that he proposes to dispose of the business at the adjourned meeting, whether there is a quorum or not, and he may thereupon dispose of the business at such adjourned meeting.

9. *Decision by Majority.* — Every matter shall be determined by a majority of votes of the members present and voting. In case of equality of votes the Chairman shall have a casting vote.

10. *Notice of meetings.* — (1) Notice shall be given to every member of the time and place fixed for each such meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed of at the meeting;

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

11. *Minutes of the meeting.* — The proceedings of each meeting of the Authority shall be circulated to all members and thereafter recorded in a minute book which shall be kept as permanent record. The record of the proceedings of each meeting shall be signed by the Chairman.

12. *Appointment of Commissioner, Solatium Fund and his duties.* — The Commissioner, Solatium Fund shall exercise all executive powers of the Authority under the general control of the Chairman and the Authority and shall assist the Chairman in the discharge of his functions. He shall perform the following duties: —

(a) be the custodian of all records of the Authority.

(b) conduct the official correspondence on behalf of the Authority;

(c) to issue all notices for convening the meeting of the Authority;

(d) to keep minutes of all meetings of the Authority;

(e) to manage the properties and funds of the Authority;

(f) to exercise all other powers and execute such of the functions as may be assigned to him by the Authority.

13. *Other officers and employees of the Authority.* — The Authority may create any posts and appoint such officers and other employees as it may consider necessary for the discharge of its functions:

Provided that the Authority shall not create any post the maximum salary of which exceeds rupees one thousand six hundred per mensem, except with the previous approval of the Central Government.

14. *Conditions of service of the officers and employees of the Authority.* — The officers and employees of the Authority shall be the employees of the Central Government and shall be governed by the relevant rules and orders framed by the Central Government for its employees in all matters.

15. *Deposit of fund.* — All monies received towards the Solatium Fund by the Authority shall be credited to the account of the Authority to be opened in the Syndicate Bank or any of its subsidiaries or any other Nationalised Bank approved in this behalf by the Central Government.

16. *Withdrawal from the Fund.* — (1) No amount shall be withdrawn from the Solatium Fund except for the purpose of reimbursing the amount payable as compensation for death or grievous injury to a person as a result of hit and run accident.

(2) Withdrawal of monies from the accounts of the Authority shall be regulated in such manner as may be determined by the Authority from time to time.

17. *Allocation of funds to the Claims Settlement Commissioners.* — (1) The Authority shall determine the quantum of funds to be allotted to each State



and shall place at the disposal of the Transport Commissioner of the State such amount as may be necessary from time to time.

(2) The Transport Commissioner shall allot to the Claims Settlement Commissioners such amount out of the funds placed at his disposal, as may be required by the Claims Settlement Commissioners from time to time.

18. *Claims Settlement Commissioner.* — Every Claims Settlement Commissioner shall be responsible for the settlement of claims arising out of hit and run motor accidents in his district. It shall be the duty of the Claims Settlement Commissioner, —

- (i) to keep the monies placed at his disposal by the Transport Commissioner in a separate account;
- (ii) to call for the reports from the Claims Enquiry Officer applications for grant of compensation from the Solatium Fund.
- (iii) to pass orders on applications for payment of compensation;
- (iv) to send every month an account of the expenditure made of the monies, placed at his disposal for payment of compensation, to the Transport Commissioner.

19. *Sanctioning of claims.* (1) On receipt of the report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim on the basis of the said report if the Claims Settlement Commissioner has no doubt in respect of the report submitted by the Enquiry Officer, he shall, return the report to the Claims Enquiry Officer for further enquiry indicating the specific points on which the enquiry be made.

(2) After receipt of the report from the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim and pass an order to that effect in Form "C", and send a copy of the sanction order to each following, namely—

- (a) the Claims Enquiry Officer;
- (b) the Transport Commissioner of the State;
- (c) the Chairman, Vehicles Accident Claims Tribunal concerned district.

(3) The Claims Settlement Commissioner shall send the sanction order regarding the claim to the Claims Enquiry Officer with the amount of compensation by way of or treasury voucher, as the case may be.

(4) In the case of a claim arising out of death, the payment shall be made to the legal representatives of the deceased. In the case of claims arising out of grievous hurt, that shall be made to the person injured or where person is not in a position to appear personally payment may be made to any agent authorised by the person injured.

(5) The Claims Enquiry Officer shall obtain stamped receipt(s) from the claimant while making payments.

20. *Claims Enquiry Officer.* The Claims Enquiry Officer shall consider claims arising out of hit

and run motor accidents in his sub-division or taluka. It shall be the duty of the Claims Enquiry Officer, —

- (i) to receive applications in Form 'A' from the claimant;
- (ii) to hold enquiries in respect of the claims arising out of hit and run motor accidents;
- (iii) to call for reports from the police and medical authority in respect of the accidents;
- (iv) where there are more than one claimant, to decide as to who are the rightful claimants;
- (v) to submit report to the Claims Settlement Commissioner along with his recommendation for sanction orders in Form 'B';
- (vi) to disburse the amount of compensation on receipt of the sanction order from the Claims Settlement Commissioner to the claimant or claimants.

21. *Procedure for making the claim application.* —

(1) The claimant, claiming compensation from the Solatium Fund shall make an application in Form 'A' within one month from the date of the accident.

(2) The claimant shall not be required to pay any fee for making an application.

(3) The application shall be made to the Claims Enquiry Officer of the Sub-Division/Taluka in which the accident has taken place.

22. *Procedure to be followed by the Claims Enquiry Officer.* — (1) On receipt of the claim application, the Claims Enquiry Officer shall immediately obtain a copy of the F.I.R., inquest report from the Police authority and the post-mortem report, or as the case may be, the certificate of injury from the Medical Officer or the doctor, who has attended the injured person.

(2) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under sub-clause (1) clause (19), the Claims Enquiry Officer shall make such additional inquiries as may be necessary and re-submit the report to the Claims Settlement Commissioner within seven days for final orders.

(3) After receipt of the sanction order from the Claims Settlement Commissioner, the Claims Enquiry Officer shall obtain an undertaking in Form 'D' from the legal representatives of the deceased, injured person or his duly authorised agent, before making payment of compensation to him.

23. *Submission of periodical return.* — The Claims Settlement Commissioner shall submit every month a statement in Form 'E' to the Transport Commissioner of the State. The Transport Commissioner shall send a consolidated statement of the expenditure made out of the monies placed at his disposal by the Authority every three months to the Authority.

24. *Annual Report.* — The Commissioner, Solatium Fund, shall prepare an annual report on the working of the Authority, and place it before the Authority for its approval. The Chairman of the Authority shall cause the annual report to be submitted

to the Central Government for its inclusion in the annual report of the Ministry of Shipping and Transport.

Sd/-

(G. J. MISRA)

Joint Secretary to the Govt. of India:

(F. No. TGM(28)/82)

FORM 'A'

(Clause 21(1))

Form of application for compensation from Solatium Fund

I, ... son of/daughter of/widow of \* Shri ... residing at ... having been grievously injured in motor vehicle accident hereby apply for grant of compensation for the grievous injuries sustained. Necessary particulars in respect of the injury sustained by me are given below:

I, ... son of/daughter of/widow of \* Shri ... residing at ... hereby apply as a legal representative/agent for the grant of compensation account of death/injuries sustained by Shri/ Shrimati/ Kumari ... son of/widow of/daughter of Shri ... who died/had sustained injuries in a motor vehicle accident on ... at .... Particulars in respect of accident and other information are given below:—

1. Name and father's name of person injured (Husband's name in the case of married woman or widow):
2. Address of the person injured/ dead:
3. Age ... Date of birth ...
4. Sex of the person injured/dead:
5. Place, date and time of the accident:
6. Occupation of the person injured/ dead:
7. Nature of injuries sustained:
8. Name and Address of Police Station in whose jurisdiction accident took place or was registered:
9. Name and address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name and address of the claimant/claimants:
11. Relationship with the deceased:
12. Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE CLAIMANT

\* Strike out whichever is not applicable.

FORM 'B'

[Clause 20 (v)]

Claims Enquiry Report to be submitted by the Claims Enquiry Officer to the Claims Settlement Commissioner

1. Name and address of the person dead/injured:
2. Place, time and date of the accident:
3. Particulars of the Police Station in which the accident was registered:
4. Particulars of the Medical Officer/Practitioner who examined the dead/injured:

5. Particulars of persons summoned and examined:

6. Whether the fact of death/injury by hit and run motor accident has been established or not and the reasons for coming to that conclusion:

7. The name and address of claimant (s)/eligible for payment of compensation:

8. The amount of compensation recommended for payment to the claimant.

(In case of more than one claimant the amount each one of the claimants is eligible and the reasons thereof shall be specified).

9. Any other information or records relevant or useful for the settlement of the claim

Signature, designation of the Claims Enquiry Officer.

Seal:

Date:

FORM 'C'

[Clause 19(2)]

Form of Order of Sanction of Compensation

Claims Settlement Commissioner

District ...

Order

I hereby sanction Rs. 5000 (Rupees Five thousand only)  
1000 (One thousand only)

as compensation in respect of the death of .../grievous hurt to ... resulting from hit and run motor accidents which took place at ... on ... to S/Shri/Shrimati/Kumari (name of place) (date)

... as the legal representative of the deceased (...) to ... injured/ to ... agent of ... injured.

Claims Settlement Commissioner.

To,

- 1) The Claims Enquiry Officer of District...  
The amount of Rs. 5000 is sent herewith by cheque  
1000  
No. ... on Bank ... which may be paid to ... after obtaining an undertaking from him/her in Form 'D' and also a stamped receipt from him/her.
- 2) The Chairman, Motor Vehicles Claims Tribunal of the concerned District.
- 3) The Transport Commissioner of the State.

FORM 'D'

[Cause 22(3)]

Undertaking

(Under section 109B of the Motor Vehicles Act, 1939)

I/We ... as legal representative (s)/duly authorised agent of the deceased/injured ... hereby give undertaking that I/We shall refund the amount of compensation awarded to me/us under sanction order No. ... dated ... by the Claims Settlement Commissioner ... to the Solatium Fund Authority, New Delhi through the Claims Settlement Commissioner ..., in case I/we/am/are awarded any other compensation or amount in lieu of or by way of satisfaction of a claim for compensation in respect of death or grievous hurt to ... under any other provisions of the Motor Vehicles Act, 1939 or any other law for the time being in force or otherwise.

Signature of the legal representative of the deceased/ injured person or his duly authorised agent.



FORM 'E'  
(Clause 23)

Statement showing details of claim relating to Hit and Run Motor accidents decided and expenditure made out of monies placed at the disposal of Class Compensation Commissioner for the mth of .....

Name of the District/State	Total number of applications pending at the end of previous month with the		Total number of applications forwarded by Claims Enquiry Officers to the Claims Settlement Commissioner	Total number of applications decided by the Claims Settlement Commissioner during the month	
	Claims Enquiry Officer	Claims Settlement Commissioner			
(1)	2(a)	2(b)	(4)	(5)	
Total number of applications pending with the —	Total amount received from Transport Commissioner		Total amount of compensation disbursed	REMARKS	
Claims Enquiry Officer	Claims Settlement Commissioner	Transport Commissioner			
6(a)	6(b)	(7)	(9)	(10)	

GOVERNMENT OF INDIA  
(BHARAT SAR)MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARN MANTRALAYA)  
(Transport)  
(Parivahan)

New Delhi, the 17th, 1982.

## Notifi

In exercise of the powers conferred by sub-section (2) of Section 109A of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby establishes the Solatium Fund for the purpose of utilising the fund for paying compensation in respect of the death or serious hurt to persons resulting from hit and run motor accidents.

J. MISRA)

Joint Secretary to the Govt. of India.  
NGM(25)/82GOVERNMENT OF INDIA  
(BHARAT SAR)MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARN MANTRALAYA)  
(Transport)  
(Parivahan)

New Delhi, the 2nd, 1982.

## Not

S.O. — In exercise of powers conferred by sub-section (1) of Section 109A of the Motor Vehicles

Act, 1939, as amended by clause (a) of Section 7 of the Motor Vehicles (Amendment) Act, 1982, and in supersession of all orders and notifications issued by the State Governments and the Union Territory Administrations in this regard prior to the date of publication of this notification, the Central Government hereby specifies that in relation to the transport vehicles of all makes and models, the maximum safe laden weight of motor vehicles and maximum safe axle weight of each axle of such vehicles shall be as follows, namely: —

- (1) (a) The maximum safe laden weight and the maximum safe axle weight of each axle in relation to each make and model of a transport vehicle manufactured upto 31-3-83 shall be 125% of the rating given by manufacturers in respect of maximum safe laden weight and maximum axle weight of each axle.
- (b) The maximum safe laden weight and the maximum safe axle weight of each axle in relation to each make and model of a transport vehicle manufactured on or after 1-4-83 shall be as per the rating of the maximum safe laden weight and maximum axle weight of each axle fixed by the manufacturer.

(2) The maximum safe axle weight determined in para (1) shall be further restricted to the maximum safe axle weight given in the Schedule.

(3) The maximum safe laden weight in respect of all transport vehicles including multi-axled vehicles shall not be more than the sum total of all the maximum safe axle weights put together.

(4) The fixation of safe laden weights as per the principles enunciated in clauses (1) to (3) above are for the purposes of registration of a transport vehicle including multi-axled vehicle but shall not authorise the carriage of loading exceeding the laden weights restricted or prohibited by a State Government under a notification issued as per the provision of Section 74 of the Motor Vehicles Act, 1939 relating to imposition of prohibition or restriction in the interests of public safety or convenience, or because of the nature of any road or bridge in the concerned State.

## SCHEDULE

The maximum safe axle weight shall be as follows: —

	Tonnes
Single axle (single wheel) fitted with 1 tyre	3.0
Single axle fitted with 2 tyres	6.0
Single axle fitted with 4 tyres	10.2
Tandem axle fitted with 8 tyres	18.0

Sd/-

(G. J. MISRA)

Joint Secretary to the Government of India.

(F. No. TGM(18)/82)

**GOVERNMENT OF INDIA**  
(BHARAT SARKAR)  
**MINISTRY OF SHIPPING AND TRANSPORT**  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)  
(Transport Wing)  
(Parivahan Paksha)

*New Delhi, the 15th September, 1982.*

**Notification**

S.O. .... In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), the Central Government hereby appoints the 1st day of October, 1982, as the date on which the provisions of Sections 2 to 7 and Sections 10 to 27 of the said Act, shall come into force.

Sd/-

(G. J. MISRA)

Joint Secretary to the Government of India.

(No. TGM(19)/82)

**Notification**

4/1/83-HD(G)

The below mentioned notifications received from Government of India, Ministry of Shipping and Transport (Transport Wing), New Delhi are hereby republished for general information.

*S. M. Naik, Under Secretary (Home).*

*Panaji, 18th March, 1983.*

**GOVERNMENT OF INDIA**  
**MINISTRY OF SHIPPING & TRANSPORT**  
(Transport Wing)

*New Delhi, the 10th December, 1982.*

**Notification**

G. S. R. — Whereas the draft rules in exercise of the powers conferred by sub-section (1) of Section 69(B) of the Motor Vehicles Act, 1939 (4 of 1939) were published as required by sub-section (1) of Section 133 of the said Act in the Gazette of India Part II Section 3, sub-section (ii) dated 1st October, 1982, under notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) TW/TGM (26)/82 (S.O. No. 706 (E) dated 1st October, 1982, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of 30 days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 1st day of October, 1982.

And whereas objections or suggestions received in matter have been considered.

Now, therefore, in exercise of the powers conferred by Section 69B of the Motor Vehicles Act, 1939

(4 of 1939) read with Section 22 of the General Clauses Act 1897 (1 of 1897), the Central Government hereby makes the following rules: —

**1. Short Title, Extent and Commencement.** — (1) These rules may be called overall Dimensions of Transport Vehicles and Tyres Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definition.** — In these rules, unless there is anything repugnant in the subject or context —

(i) "Act" means the Motor Vehicles Act, 1939 (4 of 1939).

(ii) The words and expressions used, but not defined in these rules, but defined in Motor Vehicles Act, 1939, shall have the meanings assigned to them in that Act.

**3. Overall width of motor vehicles.** — (1) The overall width of every motor vehicle measured at right angles to the axis of the motor vehicle between perpendicular planes enclosing the extreme points shall not exceed, —

(i) in the case of any motor vehicle excluding a public service vehicle or a transport vehicle but including a motor cab, 2.2 metres

(ii) in the case of a public service vehicle or a transport vehicle other than a motor cab, 2.5 metres

Provided that in the case of a tractor not used for towing trailer carrying goods or passengers the overall width may extend to 2.7 metres:

Provided further that if the State Government is satisfied that particular vehicle or class of vehicles having overall width in excess of the width specified in this sub-rule is found suitable for carrying out any work of public purpose, the State Government may by notification in the Official Gazette, exempt from the provisions of this rule such a vehicle or class of vehicles either generally or in such areas or on such route or routes and subject to such conditions, if any, as may be specified in the notification.

**Explanation.** — For the purpose of this rule, a driving mirror or a direction indicator, when in operation, shall not be taken into consideration in measuring the overall width of a motor vehicle.

(2) Notwithstanding anything in sub-rule (1), —

(a) The Chairman, State Transport Authority may authorise use of a motor vehicle other than a transport vehicle but including a motor cab with overall width upto 2.5 metres;

(b) The Regional Transport Authority or the State Transport Authority, as the case may be, or the Chairman of that authority, if authorised in this behalf by that authority may authorise the use of transport vehicles having an overall width exceeding 2.5 metres but not exceeding 2.7 metres on a specified route or routes or in a specified area within the State.

(c) Where a transport authority takes action under this sub-rule it shall enter in the certificates of registration the vehicle particulars of the

route or routes on which or the area in which the vehicle may be used.

**4. Overall length of motor vehicles.** — (1) The overall length of every motor vehicle other than a trailer shall not exceed, —

- (i) in the case of any motor vehicle other than a transport vehicle or a public service vehicle, not more than 2 axles, 9.5 metres;
- (ii) in the case of a transport vehicle or a public service vehicle having two or more axles, 11 metres;
- (iii) in the case of an articulated vehicle having more than two axles, 12 metres;
- (iv) in the case of tractor-trailer combinations, 18 metres.

Provided that in such area or on such routes as the State Government may specify in this behalf, an overall length of a public service vehicle may exceed 11 metres but shall not exceed 12 metres:

Provided further that if the State Government is satisfied that a particular vehicle or class of vehicles having overall length in excess of the length specified in this sub-rule is found suitable for carrying out any work of public purpose, the State Government may, by notification in the Official Gazette, exempt from the provisions of this sub-rule such vehicle or of vehicles either generally or in such area or on such route or routes and subject to conditions, if any, as may be specified in the notification:

Provided also that the Regional Transport Authority or the State Transport Authority, or its Chairman, if authorised in this behalf by the Regional Transport Authority or the State Transport Authority as the case may be, may authorise the use of a transport vehicle (an articulated vehicle having an overall length exceeding 11 metres but not exceeding 16 metres) on a specified route or routes in a specified area within the State. Where the Regional Transport Authority takes action accordingly, it shall enter in the certificate of registration of the vehicle the route or routes on which or the area in which the vehicle may be used.

(2) In the case of an articulated vehicle or a tractor-trailer combinationally constructed and used for the conveyance of loads of exceptional length, —

- (i) if all the wheels of the vehicle are not fitted with pneumatic tyres, or
- (ii) if all the wheels of the vehicle are not fitted with pneumatic tyres so long as the vehicle is not driven at a speed exceeding twenty five kilometres per hour, the overall length may exceed 18 metres.

**Explanation.** — In the "overall length" means the length of the vehicle measured between parallel planes passing through the extreme projection points of the vehicle exclusive of —

- (i) any starting
- (ii) any hood when down
- (iii) any ladder fixed to a turn table fire-escape of the vehicle;

(iv) any post office letter box the length of which measured parallel to the axis of the vehicle does not exceed 30.5 centimetres;

(v) any ladder used for loading or unloading from the roof of the vehicle, or any tail or indicator lamp or number plate fixed to a vehicle;

(vi) any spare wheel or spare wheel bracket or bumper fitted to a vehicle;

(vii) any towing hook or other fitting which does not project beyond any fitting covered by clauses (iii) to (vi) of this sub-rule.

**5. Overall height of motor vehicles.** — (1) The overall height of a motor vehicle other than a double-decked motor vehicle measured from the surface on which the motor vehicle rests shall not exceed 3.8 metres.

(2) The overall height of a double-decked motor vehicle shall not exceed 4.75 metres.

(3) The overall height of the laden trailer when carrying ISO series 1 Freight Container shall not exceed 4.2 metres.

(4) This rule shall not apply to fire-escapes, town-wagons and other special purpose vehicles exempted by the general or special order of the registering authority.

**6. Overhang of motor vehicles.** — (1) The overhang of a tractor shall not exceed 1.85 metres.

(2) The overhang of a motor vehicle other than a tractor shall not exceed sixty per cent of the distance between the plane perpendicular to the axis of the motor vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in sub-rule (3):

Provided that the State Government may exempt from the provisions of sub-rule any motor vehicle or class of motor vehicles in such area or areas or on such route or routes and subject to such conditions, if any, as may be specified in the order, if it is satisfied that such vehicle or class of vehicles having an overhang in excess of that specified in this sub-rule can be used in a public place without any danger to public safety.

(3) For the purposes of this rule, "overhang" means the distance measured horizontally and parallel to the longitudinal axis of the vehicle between two vertical planes at right angles to such axis passing through the two points specified in paragraphs I and II of this definition, respectively.

I. The rearmost point of the vehicle exclusive of —

- (i) any hood when down;
- (ii) any post office letter-box, the length of which measured parallel to the longitudinal axis of the vehicle, does not exceed thirty centimetres;
- (iii) any ladder forming part of a turntable fire-escape fixed to a vehicle;
- (iv) any ladder used when the vehicle is at rest for loading or unloading from the

roof of the vehicle, or any tail lamp or number plate fixed to a vehicle;

- (v) any spare wheel or spare wheel bracket fitted to a vehicle;
- (vi) any luggage carrier fitted to a motor vehicle constructed solely for carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver;
- (vii) any towing hook or other fitment which does not project beyond any fitment mentioned in clauses (ii) to (vi) above;

Provided that, in the case of a stage carriage —

- (a) the projection of any bumper or advertisement panel fitted at the rear of the vehicle shall not exceed 15 centimetres; and
- (b) the projection in respect of an advertisement panel shall not be such as to obstruct either the vision from the rear view mirror or project through the emergency exit at the rear or both.

II.(i) In the case of a motor vehicle having only two axles, one of which is not a steering axle, the centre point of that axle, or

(ii) In the case of a motor vehicle having only three axles where the front axle is the only steering axle; a point 102 millimetres in rear of the centre of a straight line joining the centre points of the rear and middle axle, or

(iii) In any other case a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle.

(iv) In the case of any motor vehicle registered in India before the first day of April 1940, it shall suffice if the overhang does not exceed 7/24th of the overall length of the vehicle.

(v) In case of a motor vehicle having only three axles where two front axles are steering axles, the centre point of rear most axle.

(vi) In case of a motor vehicle having four axles where two front axles are steering axles, a point 102 mm in rear of the centre of a straight line joining the centre points of the rear-most two axles.

7. **Side overhang of stage carriages.** — In the case of vehicle used as a stage carriage, no part of the vehicle other than a direction indicator, when in operation, or a driving mirror shall project laterally more than 355 millimetres beyond the centre line of the rear wheels in the case of single rear wheels or more than 152 millimetres beyond the extreme outer edge of the outer tyres in the case of dual rear wheels.

8. **Turning Circle.** — Every motor vehicle shall be so constructed as to be capable of turning in either direction in a minimum turning circle not exceeding 24.4 metres in diameter. For the purposes of this rule such diameter shall be determined by reference to extreme outer edge of the wheel track at ground level.

9. The rules regarding size and nature of tyres will be notified separately.

Sd/-

(GOVINDJEE MISRA)

Joint Secretary to the Govt. of India.

[F. No. TW/TGM(26)/82]

GOVERNMENT OF INDIA

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 24th January, 1983.

Notification

Corrigendum

S. O. No. 39 (E) In the Rules published with the notification of the Government of India, in the Ministry of Shipping and Transport (Transport Wing) No. G. S. R. 46 (E), dated the 10th December 1982, published in Part II Section 3, sub-section (ii) dated the 10th December 1982, in sub-rule 2(i) Rule 4, for "Vehicles are not fitted ..." substitute "vehicles are fitted ...".

Sd/-

(GOVINDJEE MISRA)

Joint Secretary to the Govt. of India.

[No. TW/TGM(26)/82]

The Motor Vehicles (Amendment) Act, 1982

(Act No. 47 of 1982)

AN

ACT

further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows: —

1. **Short title and commencement.** — (1) This Act may be called the Motor Vehicles (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. **Amendment of section 7.** — In Section 7 of the Motor Vehicles Act, 1939 4 of 1939. (hereinafter referred to as the principal Act), —

(a) in sub-section (2), for the words "and shall contain the information required by the form", the words "shall contain the information required by the form", the words "shall contain the information required by the form and shall be accompanied by three clear copies of a recent photograph of the applicant" shall be substituted:

(b) sub-section (4) shall be omitted.

3. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (1), for the words, brackets and figures “and, in the case of a driving licence to drive as a paid employee or to drive a transport vehicle, one of the photographs referred to in sub-section (4) of section 7”, the words, brackets “and one of the photographs referred to in sub-section (2) of section 7” shall be substituted.

4. *Amendment of section 8A.*—In section 8A of the principal Act, in sub-section (2),—

(a) in the opening portion, for the words and figure “provisions of section 7”, the words, figure and brackets “provisions of section 7 (except the provision requiring the application thereunder to be accompanied by three clear copies of a recent photograph of the applicant)” shall be substituted;

(b) in the proviso, for the words, brackets and figures “sub-sections (3) and (4)”, the word, brackets and figure “sub-section (3)” shall be substituted.

5. *Insertion of new section 11A.*—After section 11 of the principal Act, the following section shall be inserted, namely:—

“11A. *Special provision as to affixation of photograph in certain cases on driving licences.*—(1) Every person whose application for the issue or renewal of a driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle is pending before any licensing authority immediately before the appointed day, shall on or as soon as may be after the appointed day, forward three clear copies of his recent photograph to such licensing authority along with an application in writing for the affixation of such photograph on the driving licence.

(2) A driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle, issued or renewed under this Act before the appointed day shall cease to be effective on the expiry of six months from the appointed day, if it does not cease to be effective otherwise earlier, unless the holder of such licence makes, before the expiry of the said period of six months, an application to any licensing authority for the affixation of his photograph on the driving licence.

(3) An application under sub-section (2) shall give particulars relating to the name of the holder of the driving licence, his temporary and permanent addresses, number and date of issue of the driving licence and the name of the licensing authority by whom the licence was issued and shall be accompanied by the driving licence and three clear copies of a recent photograph of the holder.

(4) No fee shall be chargeable with respect to any application made under this section.

(5) Where the authority to whom an application is made under sub-section (2) in respect of a driving licence is not the authority which issued the driving licence, it shall intimate the fact of affixation of the photograph on the driving licence to the authority which issued the driving licence.

*Explanation.*—For the purposes of this section, “appointed day” means the date of commencement

of section 5 of the Motor Vehicles (Amendment) Act, 1982.”

6. *Amendment of section 24.*—In section 24 of the principal Act, in sub-section (3), in the proviso, for the words “the letters and figures aforesaid shall be shown”, the words “the figures aforesaid shall be shown in Arabic numerals and the letters and figures aforesaid shall be shown” shall be substituted.

7. *Amendment of section 36.*—In section 36 of the principal Act,—

(a) in sub-section (1), for the words “a State Government may, with the approval of the Central Government”, the words “the Central Government may” shall be substituted;

(b) in sub-section (3), in the proviso, for the words “a State Government” and for the words “the State Government”, the words “the Central Government” shall be substituted.

8. *Insertion of new section 69B.*—After section 69A of the principal Act, the following section shall be inserted, namely:—

69B. *Power of Central Government to make rules.*—(1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to any of the following matters, namely:—

(a) the width, height, length and overhang of vehicles and of the loads carried;

(b) the size, nature and condition of tyres.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances.”

9. *Amendment of section 70.*—In section 70 of the principal Act,—

(a) in sub-section (1), after the words “and trailers”, the words “with respect to all matters other than the matters referred to in clause (a) or clause (b) of sub-section (1) of section 69B” shall be inserted;

(b) in sub-section (2), clauses (a) and (c) shall be omitted.

10. *Amendment of section 86.*—In section 86 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination:

Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in respect thereof and thereafter produce the licence within ten days at any police station in India which he specifies to the police officer making the demand.



(1A) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination.”;

(b) in sub-section (3), —

(i) in the opening portion, for the words “licence or certificates, as the case may be,” the words, brackets, figures and letter “licence referred to in sub-section (1A) or the certificates referred to in sub-section (2), as the case may be,” shall be substituted;

(ii) in the proviso, the words “to a driver driving as a paid employee, or to the driver of a transport vehicle or” shall be omitted.

11. *Insertion of new Chapter VIIA.* — After Chapter VII of the principal Act, the following Chapter shall be inserted, namely: —

#### “CHAPTER VIIA

##### Liability without fault in certain cases

92A. *Liability to pay compensation in certain cases on the principle of no fault.* — (1) Where the death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

(2) The amount of compensation which shall be payable under sub-section (1) in respect of the death of any person shall be a fixed sum of fifteen thousand rupees and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of seven thousand five hundred rupees.

(3) In any claim for compensation under sub-section (1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

92B. *Provisions as to other right to claim compensation for death or permanent disablement.* —

(1) The right to claim compensation under section 92A in respect of death or permanent disablement of any person shall be in addition to any other right (hereafter in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any other provision of this Act or of any other law for the time being in force.

(2) A claim for compensation under section 92A in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under section 92A and also in pursuance of any right on the principle of fault, the claim for compensation under section 92A shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under section 92A is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and —

(a) if the amount of the first mentioned compensation is less than the amount of the second-mentioned compensation, he shall be liable to pay (in addition to the first-mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation;

(b) if the amount of the first-mentioned compensation is equal to or less than the amount of the second-mentioned compensation, he shall not be liable to pay the second-mentioned compensation.

92C. *Permanent disablement.* — For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of section 92A if such person has suffered by reason of the accident any injury or injuries involving —

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any member or joint; or

(c) permanent disfigurement of the head or face.

92D. *Applicability of Chapter to certain claims under Act 8 of 1923.* — The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923 resulting from an accident of the nature referred to in sub-section (1) of section 92A and for this purpose, the said provisions shall, with necessary modifications, be deemed to form part of that Act.

92E. *Overriding effect.* — The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Act or of any other law for the time being in force.”.

12. *Amendment of section 93.* — In section 93 of the principal Act, after clause (b), the following clause shall be inserted, namely: —

“(ba) “liability” wherever used in relation to the death of or bodily injury to any person includes liability in respect thereof under section 92A;”.



13. *Amendment of section 95.* — In section 95 of the principal Act, in sub-section (2), —

(a) in clause (a), for the words “fifty thousand rupees”, the words “one lakh and fifty thousand rupees” shall be substituted;

(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) in respect of passengers, a limit of fifteen thousand rupees for each individual passenger;”;

(c) in clause (d), for the words “two thousand”, the words “six thousand” shall be substituted.

14. *Insertion of new sections 109A, 109B, and 109C.* — After section 109 of the principal Act, the following sections shall be inserted, namely:—

‘109A. *Special provisions as to compensation in cases of hit and run motor accidents.* — (1) For the purposes of this section, section 109B and section 109C, —

(a) “grievous hurt” shall have the same meaning as in the Indian Penal Code; 45 of 1860.

(b) “hit and run motor accident” means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained inspite of reasonable efforts for the purpose;

(c) “scheme” means the scheme framed under section 109C;

(d) “Solatium Fund” means the Fund established under sub-section (2).

(2) The Central Government may, by notification in the Official Gazette, establish a Fund to be known as the Solatium Fund.

(3) The Solatium Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(4) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 57 of 1972 or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall make to the Solatium Fund such contributions as the Central Government may time to time by order in writing specify, and in addition to such contributions, the said Fund shall consist of —

(a) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from time to time;

(b) such sums as the State Governments may from time to time contribute; and

(c) such other sums as may be received (whether by way of refund, gift, donation or in any other manner) for being credited to the Fund.

(5) Subject to the provisions of this Act and the scheme, there shall be paid as compensation out of the Solatium Fund, —

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of five thousand rupees;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of one thousand rupees:

Provided that where the sum standing to the credit of the Solatium Fund is not adequate for meeting any claim for compensation under this section, such claim may be kept pending for payment till such time as the sum necessary for meeting it becomes available in the Fund.

(6) The provisions of sub-section (1) of section 110A shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.

109B. *Refund in certain cases of compensation paid under section 109A.* — (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 109A shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 109A shall be credited to the Solatium Fund by way of refund.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than section 109A) or any other law, the tribunal, court or other authority awarding such compensation shall verify, as to whether in respect of such death or bodily injury compensation has already been paid under section 109A or an application for payment of compensation is pending under that section, and such tribunal, court or other authority shall, —

(a) if compensation has already been paid under section 109A, direct the person liable to pay the compensation awarded by it to pay into the Solatium Fund so much thereof as is required to be credited to that Fund in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 109A, forward the particulars as to the compensation awarded by it to the authority in which the Solatium Fund vests.

*Explanation.* — For the purposes of this sub-section, an application for compensation under section 109A shall be deemed to be pending —

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

**109C. Scheme for the administration of the Solatium Fund.**—(1) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the Solatium Fund shall vest, the manner in which the Fund shall be administered, the form, manner and the time within which applications for compensation from the Fund may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Fund and the payment of compensation therefrom.

(2) A scheme made under sub-section (1) may provide that—

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated, with the prior approval in writing of the Central Government, by such officer or authority to any other officer or authority;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund.

Provided that no such retrospective effect shall be given so as to prejudicially affect the interests of any person who may be governed by such provision.

(3) Every scheme made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

**15. Amendment of section 110.**—In section 110 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—For the removal of doubts, it is hereby declared that the expression “claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles” includes claims for compensation under section 92A.

**16. Amendment of section 110A.**—In section 110A of the principal Act,—

(a) in sub-section (2), the following proviso shall be inserted at the end, namely:—

“Provided that where any claim for compensation under section 92A is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.”;

(b) in sub-section (3), for the words “compensation under this section,” the words “such compensation” shall be substituted.

**17. Amendment of section 110AA.**—In section 110AA of the principal Act, for the words “may claim such compensation”, the words, figures and letter “may, without prejudice to the provisions of Chapter VIIA, claim such compensation” shall be substituted.

**18. Amendment of section 110B.**—In section 110B of the principal Act,—

(a) for the words “hold an inquiry into the claim and may make an award”, the words “hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section 109B, may make an award” shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

“Provided that where such application makes a claim for compensation under section 92A in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter VIIA.”.

**19. Amendment of section 110CC.**—In section 110CC of the principal Act, for the word “Chapter”, the word “Act” shall be substituted.

**20. Amendment of section 113A.**—In section 113A of the principal Act, for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

**21. Insertion of new section 113B.**—After section 113A of the principal Act, the following section shall be inserted, namely:—

“113B. *Driving vehicles in contravention of section 3 or section 4.*—Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.”.

**22. Amendment of section 115.**—In section 115 of the principal Act, in sub-section (1),—

(i) for the words “two hundred rupees”, the words “four hundred rupees” shall be substituted.

(ii) for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

23. *Amendment of section 116.*— In section 116 of the principal Act, —

(a) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted;

(b) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

24. *Amendment of section 120.*— In section 120 of the principal Act, for the words "three hundred rupees", the words "five hundred rupees" shall be substituted.

25. *Amendment of section 123.*— In section 123 of the principal Act, in sub-section (1), —

(i) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted;

(ii) for the words "two thousand rupees", the words "three thousand rupees" shall be substituted.

26. *Insertion of new section 127B.*— After section 127A of the principal Act, the following section shall be inserted, namely: —

"127B. *Composition of certain offences.*— (1) Any offence [whether committed before or after the commencement of section 26 of the Motor Vehicles (Amendment) Act, 1982] punishable under section 112, section 113, section 113A, section 113B, section 114, sub-sections (1) and (2) of section 115, section 116, section 118, section 120, section 122, section 123, section 124, section 125 or section 127 may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence."

27. *Amendment of the First Schedule.*— In the First Schedule to the principal Act, —

(a) in Form A, in Section I, after item (g), the following shall be inserted, namely: —

"I enclose three copies of a recent photograph."

(b) in Form AA, the brackets, letter and words "(b) three copies of a recent photograph." shall be omitted;

(c) in Form D, for the words "Photograph if necessary", the word "Photograph" shall be substituted.

Industries and Labour Department

#### Notification

25/4/80-ILD

Whereas certain draft rules to amend the Goa, Daman and Diu Contract Labour (Regulation and Abolition) Rules, 1972 were published as required by sub-section (1) of Section 35 of the Contract

Labour (Regulation and Abolition) Act, 1970 (37 of 1970), in the Official Gazette, Series I, No. 34, dated 18th November, 1982 under the Notification No. 25/4/80-ILD, dated 4-11-1982 of the Industries and Labour Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 18th November, 1982;

And whereas no objections and suggestions have been received from the public on the said draft rules by the Government.

Now, therefore, in exercise of the powers conferred by Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) the Administrator of Goa, Daman and Diu hereby makes the following rules further to amend the Goa, Daman and Diu Contract Labour (Regulation and Abolition) Rules, 1972, namely: —

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Contract Labour (Regulation and Abolition) (Third Amendment) Rules, 1983.

(2) They shall come into force at once.

2. *Amendment of rule 3.*— In rule 3 of the Goa, Daman and Diu Contract Labour (Regulation and Abolition) Rules, 1972, for the existing clauses (b) and (m), the following clauses shall be substituted, respectively, namely: —

"(b) Secretary, Industries and Labour —Member.

(m) Commissioner, Labour and Employment — Member-Secretary."

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour) to the Government of Goa, Daman & Diu.

Panaji, 25th March, 1983.

Law Department (Legal Advice)

Drafting Section

Notification

LD/5/4/83-(D)

The following Act which was passed by the Legislative Assembly of the Union territory of Goa, Daman and Diu on the 28th day of March, 1983 and assented to by the Administrator of Goa, Daman and Diu on the 29th March, 1983 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 2nd April, 1983.

#### THE GOA, DAMAN AND DIU APPROPRIATION (VOTE ON ACCOUNT) ACT, 1983

(Act No. 3 of 1983)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of

the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year 1983-84.

Be it enacted by the Legislative Assembly, of Goa, Daman and Diu in the Thirty-fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1983.

2. **Withdrawal of Rs. 51,88,14,000 from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1983-84.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be withdrawn sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of Rupees fifty one crores, eighty eight lakhs and fourteen thousand towards defraying the several charges which will come in course of payment during the financial year 1983-84.

3. **Appropriation.**—The sum authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
		Rs.	Rs.	Rs.
1	2	3	4	5
1.	Union Territory Legislature and Elections ...	5,47,000	17,000	5,64,000
2.	Miscellaneous General Services ...	63,72,000	2,56,000	66,28,000
3.	Administration of Justice ...	10,29,000	33,000	10,62,000
4.	Land Revenue, Stamps and Registration ...	10,26,000	—	10,26,000
5.	State Excise, Sales Tax and Other Taxes and Duties ...	14,91,000	—	14,91,000
6.	Taxes on Vehicles ...	3,03,000	—	3,03,000
—	Appropriation — Interest Payments ...	—	3,46,65,000	3,46,65,000
7.	Police and Fire Services ...	96,42,000	—	96,42,000

1	2	3	4	5
		Rs.	Rs.	Rs.
8.	Jails ...	6,08,000	—	6,08,000
9.	Stationery and Printing ...	17,33,000	—	17,33,000
10.	Other General and Economic Services ...	17,85,000	—	17,85,000
11.	Pension ...	49,00,000	—	49,00,000
12.	Public Works, Housing and Urban Development ...	3,93,10,000	23,000	3,93,33,000
13.	Roads and Bridges	2,61,00,000	—	2,61,00,000
14.	Education, Art and Culture ...	5,87,28,000	—	5,87,28,000
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply ...	7,24,86,000	—	7,24,86,000
16.	Information and Publicity ...	7,50,000	—	7,50,000
17.	Labour and Employment ...	37,67,000	—	37,67,000
18.	Social Security and Welfare, Relief on account of Natural Calamities and Food	4,52,85,000	—	4,52,85,000
19.	Cooperation and Community Development ...	63,54,000	—	63,54,000
20.	Agriculture and Allied Services ...	3,41,92,000	—	3,41,92,000
21.	Irrigation and Power Projects ...	10,34,89,000	—	10,34,89,000
22.	Industries ...	74,02,000	—	74,02,000
23.	Road and Water Transport Services (including Ports) ...	79,00,000	—	79,00,000
24.	Tourism ...	42,54,000	—	42,54,000
—	Appropriation — Public Debt ...	—	4,23,67,000	4,23,67,000
25.	Loans and Advances by the Union Territory Governments ...	20,00,000	—	20,00,000
Total ...		44,14,53,000	7,73,61,000	51,88,14,000
Revenue ...		25,39,49,000	3,49,94,000	28,89,43,000
Capital (including Loans) ...		18,75,04,000	4,23,67,000	22,98,71,000

(U. D. SHARMA)  
Secretariat,  
Panaji-Goa.  
Dated: 2nd April, 1983.

Secretary to the Government  
of Goa, Daman and Diu,  
Law Department (Legal Advice).